

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

STEPHAN A. RICKS,

Plaintiff,

v.

DMA COMPANIES, DIANA McIVER,  
NICHOLE GUPTILL, ROXANNE  
MARROQUIN, and OPC SERVICES,

Defendants.

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1:22-CV-773-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant Overland, Pacific & Cutler LLC's ("OPC") Rule 12(c) Motion for Judgment on the Pleadings, (Dkt. 55). (R. & R., Dkt. 62). Plaintiff Stephan A. Ricks ("Plaintiff") timely filed objections to the report and recommendation. (Objs., Dkt. 61).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C.

§ 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 62), is **ADOPTED**.

**IT IS FURTHER ORDERED** that OPC's motion for judgment on the pleadings, (Dkt. 55), is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's claims against OPC are **DISMISSED** with prejudice. A district court may deny leave to amend if amendment would be futile. *Stripling v. Jordan Prod. Co., LLC*, 234 F.3d 863, 872–73 (5th Cir. 2000). The Court finds that amendment would be futile and therefore denies leave to amend.

**IT IS FURTHER ORDERED** that all pending and future nondispositive motions in this case are **REFERRED** to United States Magistrate Judge Susan Hightower for resolution. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72; Loc. R. W.D. Tex. App. C, R. 1(c).

**IT IS FINALLY ORDERED** that all pending and future dispositive motions are **REFERRED** to United States Magistrate Judge Susan Hightower for report and recommendation. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72; Loc. R. W.D. Tex. App. C, R. 1(d).

**SIGNED** on December 8, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE